

**Filed 2/21/08 by Clerk of Supreme Court**  
**IN THE SUPREME COURT**  
**STATE OF NORTH DAKOTA**

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2008 ND 18

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State of North Dakota,

Plaintiff and Appellee

v.

Spencer Brandt,

Defendant and Appellant

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No. 20070172

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Appeal from the District Court of Ward County, Northwest Judicial District,  
the Honorable Douglas L. Mattson, Judge.

AFFIRMED.

Per Curiam.

Kelly A. Dillon, Assistant State's Attorney, P.O. Box 5005, Minot, ND 58702-  
5005, for plaintiff and appellee.

Jessica J. Ahrendt, P.O. Box 475, Valley City, ND 58072, for defendant and  
appellant.

**State v. Brandt**

**No. 20070172**

**Per Curiam.**

[¶1] Spencer Brandt appealed from a criminal judgment and amended criminal judgment entered after a jury found him guilty of aggravated assault, knowing or reckless interference with a telephone during an emergency call and felonious restraint. Brandt argued the trial court erroneously sentenced him under N.D.C.C. § 12.1-32-02.1 after finding the knife involved in the case was a dangerous weapon. He also argued the jury instructions were erroneous. We summarily affirm the criminal judgment and amended criminal judgment under N.D.R.App.P. 35.1(a)(3), (4) and (7). See Victor v. Nebraska, 511 U.S. 1 (1994) and State v. Schneider, 550 N.W.2d 405 (N.D. 1996).

[¶2] Gerald W. VandeWalle, C.J.  
Carol Ronning Kapsner  
Dale V. Sandstrom  
Daniel J. Crothers  
Mary Muehlen Maring